

Write by Hand.

Write by Execution.

1.
In Title to Real Estate.

"Purchase" includes every mode of acquiring an estate
except that of descent. 2 Bl. 241, 244.
For title to Real Estate, see generally, 2 Bl.
258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

The alienation by mortgagor of Real Estate
See General Statutes, Sec 2, Ch. 244, 245

By purchase
By mortgage

The most usual method of acquisition
by purchase.
Title to real estate is that of alienation. -
Purchase, in the limited sense of the word.
2 Bl. 287

The word, 'alienation,' comprehends every
mode of creating title, in which estate is volun-
tarily assigned by one, & accepted by another -
i.e. every mode of transmitting property by the
mutual consent of the parties. 2 Bl. 287

During the early period of the feudal law
tenant of land, could alienate, without consent
of the lord - but could not disfranchise for his duties
nor devise. - And wth lord's consent, & the alienor
without the consent of his heir apparent, or predecessor.
2 Bl. 287, 288, 57, Co. L. 244, 4 Ams. 4

Interpretation
Linnæus 18.

Of Title by Desc.

For c. d. the lord ^{his agency} ~~himself~~ is the consent
of his vassal, which was called attornment - obedience
the doctrine of attornment 12 B. 288. p. 101 was
attorn. It extended to all leiges for hundreds years.
154.

Indeed down the time of 10th the Con-
quest & that of his ^{land} lord was absolutely un-
alienable - I rather regret no lord c. d. attorn
at all. 14 Cruise, 2 & 3 Bright 454 154.

Indeed so strong was the spirit of the feudal system, at this time
in favor of withholding alienation, that by a general ordinance in
the Book of gifts, the hand of him who knowingly wrote a deed of
alienation, was climbed to be struck off.

And for some time after the right of
alienation was introduced, the high court
that even the lord c. d. grant was an estate for
the life of grantee. 2 B. 55. 120.

But these feudal restraints have been
gradually abolished:-

In the reign of Henry first, a man was
allowed to alien in fee a part of the land,
which he had, unshackled - but not the whole, or
a third of it in fee his children 12 B. 288-9
4 Cruise, 5.

Of the land.

Remarks.

• But he was not permitted, at any time, ~~to~~ to alienate his immovable estate, without the consent of the King.

2. B. 287.

• After he was allowed to dispose of all his movables as he thought proper, but his disposal of his immovables was not valid until his consent was obtained from the King.

• But by the statute of Quia Ten et Con. 1. all persons might the King's ten. in capite, was en owed to alienate all their lands.
12. B. 287. 4 Cruise, 5.

• The land the alliance in a tenant (under thirdly) was not however to be alienated of him, in the case of the res immovables in the case of the King, 12. B. 287. 4 Cruise, 5.

• By the statute of Quia Ten et Con. 1. the King's ten. in capite was also permitted to alienate on paying a fine to the King. In the case of the King, the fine, required by the law it was abolished, in the case of freehold tenures. 12. B. 287. 4 Cruise, 8.

By this last statute, the military tenures in Eng. are all abolished, at the same time, and converted into free ten. from which the King, or any other person, may take a fine. 12. B. 287. 77. of alienable by tenant.

of Pitts by Beck.

The power of Chapman cannot be the secret
of the owner, and is introduced by Dr. Brewster
L. H. Edwards, who collected half of his land
in execution, (C. T. 289, - i.e. an allegit, under the
auction room, in the west of 33, at cutting, in the late St.

This however was unlawful & the Com. Gen.
[2] B. 28. 30 & 41.

[illegible]

The majority of attestments were written
in 1848 & 1849. C. B. 29.

See a concise, but clear view of the progress of the feudal Estate, as it progressively assumed from the restraint of alienation, in the opinion of the Master of the Rolls, (Sir Robt. Lushington) in 1 Eden Rep. 191. See also. Chap. 3 of Laysmple's Essay on feudal property.

Exp. title on deed.

Statement of
Dec. 25.

By any law
known a title
cannot be con-
sidered void
at law, until
it is set aside
by a court.
See, 3 Conn. R. 488.

Dec. 25. "Case"
Ex. C. Co. 475. 6.
Wid. Ex. 475. 6.

The meaning of the rule is, that no man
shall be permitted to have or show any thing, in
contradiction ~~to the title~~ of his deed.

2. 36. 205. 306. 308. Ex. 475. 6. 475. 6. 475. 6.

Then, if it makes a law to B. L. Law, in
which he has no title, he cannot have the land,
he is stopped by his deed, to show, that he had
title at the time of making the deed (1840).

2. 36. 205. 306. 308. Ex. 475. 6. 475. 6. 475. 6.
1500. 2. 36. 205. 306. 308. Ex. 475. 6. 475. 6. 475. 6.

- 1100. 2. 36. 205. 306. 308. Ex. 475. 6. 475. 6. 475. 6.

+ 1800. 2. 36. 205. 306. 308. Ex. 475. 6. 475. 6. 475. 6.
Same rule holds, as to deed in an alien's name, which
is not valid, until it is set aside by a court.

But matter of evidence, which is not
as such, is subject to be set aside, as evidence, is not
subject to be set aside, as evidence, is not

subject to be set aside, as evidence, is not
subject to be set aside, as evidence, is not

subject to be set aside, as evidence, is not
subject to be set aside, as evidence, is not

subject to be set aside, as evidence, is not
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subject to be set aside, as evidence, is not
subject to be set aside, as evidence, is not

subject to be set aside, as evidence, is not
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+ Forcing, as
matter of estate,
not subject to be
set aside, as evidence,
is matter of evidence,
which is not
subject to be set aside,
as evidence, is not

subject to be set aside,
as evidence, is not

subject to be set aside,
as evidence, is not

subject to be set aside,
as evidence, is not

subject to be set aside,
as evidence, is not

of Title to Land.

7.

Structure of
Deeds.

+ Because there
is record on right
of title is a po-
tential being in
it in 1841.

But after Mr. Lister has been visited by a paramour and he
may stop by this title (13, 1, 2, 4, 5, 42, 1); tho' it does by intention: +

A deed, executed by one of the contracting
parties only, is called a dead roll, or single
deed. If executed by all the parties, but it
is called an undivided deed. 2 Bla. 295-5; ditto p.
371-2, 370. Co. L. 220. a. n. l. 4 Cruise 11, 12.

If the parts of an undivided are inter
changeably executed (i. e. each, part by one
party only); that is, it is executed by the grantor,
is called the orig.; & the others counterparts.

But each part is usually executed by all,
in which case all the parts are orig. 5/2 Bl. 295.
4 Cruise 12.

A counterpart alone has been holden
in 1841 suff. 10% of the wisdom of a deed;
- & a convey & demand accordingly. 14 Cruise
12. Re. Ch. 115. 57. L. 405. - See Evid 79.

For the distinction at law, see Reakes Ex. 90. n.
57. L. 405. - Feb. 25.

of Title in Deed - (Requirits.) 9

Requirits.

Quater.

Who may own
in a deed.
- 1st. 1st.

1st. Rule: All persons, under no legal disability, ^{in genl.} may convey by deed. 2 B.R. 290. 4 B.R. 14.

Highways.
2nd. 40.
(Requirits, 40.)

But a person master of a highway ^{while it is out of commission,} the right of possession; cannot convey to a person who is also out of possession. 2 B.R. 290. 3rd. 40. 214. 300. Co. 22. 447. 3 Co. 35. 5. Meth. 59. 3. Bulst. 215.

This rule is intended to prevent the sale of ^{or litigation} broken down titles, & to discourage speculation. (B.R. 2. 4. 2 B.R. 290.)

4. Mortgage is not an "alienation" within the meaning of this Statute, to subject the mortgagor to the "penalty" of 4 Co. 22. 447. 3 Co. 35. 5. Meth. 59. 3. Bulst. 215.

In Con. conveyances, in such cases, broken titles are declared null & void, & the parties making, or receiving the conveyance, forfeit one half of the value of the land, to be divided between the State & the person prosecuting. 2 B.R. 440. 1. Co. 22. 447. 3 Co. 35. 5. Meth. 59. 3. Bulst. 215.

But a conveyance to the owner ^{vested} of a broken title is not within the Statute, & the conveyance is valid. 2 B.R. 440. 1. Co. 22. 447. 3 Co. 35. 5. Meth. 59. 3. Bulst. 215.

Of Title by Deed. (Requisites)
Parties.

Who may
convey by deed.
- He who:

1. But the owner is not deprived of his
right to convey, in the 20th of another, unless
that 20th is adverse to the owner's title.
- He must be "disseised or ousted," as our Stat
12 Geo. 3. c. 20. s. 45. 1 Geo. 3. c. 20.

Est. 12 Geo. 3. c. 20. Of these, reversions & vested uses may be granted
to the land in the 10th of the particular
tenant to his 20th being ~~any~~ ^{consistent with} that of the
use. man or use 2. 3. 2 Geo. 3. c. 20.

2. Whoever one is in poss. of another's land,
but claiming against the owner, the latter
may convey to a third person (1 Geo. 3. c. 20):
But he is not seised. Ex. Int. in fee lease, for life, or years, or
at will, then convey his int. in it, to another. Convey good.

3. It has been decided in Com. that the donor, after
~~making~~ making void fails in his devise, & reversion
out of it, & does not intend to take under it, the
stat. 12 Geo. 3. c. 20. s. 45. - but within the middle.

4. Not to pass in an ex. or return under an order
of probate, 12 Geo. 3. c. 20. s. 45. - 1 Geo. 3. c. 20.
to pass, & sets in indivision to the sentence of a Ch. Be-
cause he cannot be said to be seised he is not a manor.

+ It is, substan-
 tially, a judicial
 order of sale, by
 order of Court.

Admon.
conveyance
admon.
what

Some rule as to guardians who sell their
wards' land in violation of a reversion of
Ch. W. Root, 4 p.

+ disposition
little is known
multiple, but is not
of both may come
in his will
to be sold
2. Book 4 p. 3, in ch. 5
3. Book 4 p. 3, in ch. 5
4. Book 4 p. 3, in ch. 5
5. Book 4 p. 3, in ch. 5
6. Book 4 p. 3, in ch. 5
7. Book 4 p. 3, in ch. 5
8. Book 4 p. 3, in ch. 5
9. Book 4 p. 3, in ch. 5
10. Book 4 p. 3, in ch. 5
11. Book 4 p. 3, in ch. 5
12. Book 4 p. 3, in ch. 5
13. Book 4 p. 3, in ch. 5
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98. Book 4 p. 3, in ch. 5
99. Book 4 p. 3, in ch. 5
100. Book 4 p. 3, in ch. 5

30 of collectors of taxes, who sell, in taxes -
It is by order of Law 1 Root, 4 p. 1. vide Stat. Con.

See, No. 300. That if at all to be continued in abuse of statute B.
at all to be the last sale is good. Because it cannot be claimed by this
man unwarranted. See. For it makes no difference, whether he claims
rightfully or wrongfully.

A. to conveyance in in rem - in Person & thence
their conveyance in person, is valid on it not
absolutely void. 2 Bk. 291. 4 Bk. 156.

Idiot be.

Idiot & lunatic, are not totally disabled
to convey their land by deed: For by the
Com. L. neither an idiot nor lunatic can void
his own deed. 2 Bk. 291. 4 Bk. 156. 3 Bk. 156. 4 Bk. 156.
with 405 - Co. 23 Book 40 For 40 405 247 40
(in 40 language of 40 books)
"Because" he cannot know what he does while
lunatic. [Fitzh. 1. 3. 202, out. - Book 40 - Book 40
Str. 1104 - what thence incapacity is known by
others?

But the King on behalf of an idiot lunatic
may void his deed, during the at
his life. 2 Bk. 291. 4 Bk. 156. - He does not void
in this case. - The Committee of a lunatic may void the deed
1 Bk. 156. 2 Bk. 156. 3 Bk. 156. 4 Bk. 156. 5 Bk. 156. 6 Bk. 156. 7 Bk. 156. 8 Bk. 156. 9 Bk. 156. 10 Bk. 156. 11 Bk. 156. 12 Bk. 156. 13 Bk. 156. 14 Bk. 156. 15 Bk. 156. 16 Bk. 156. 17 Bk. 156. 18 Bk. 156. 19 Bk. 156. 20 Bk. 156. 21 Bk. 156. 22 Bk. 156. 23 Bk. 156. 24 Bk. 156. 25 Bk. 156. 26 Bk. 156. 27 Bk. 156. 28 Bk. 156. 29 Bk. 156. 30 Bk. 156. 31 Bk. 156. 32 Bk. 156. 33 Bk. 156. 34 Bk. 156. 35 Bk. 156. 36 Bk. 156. 37 Bk. 156. 38 Bk. 156. 39 Bk. 156. 40 Bk. 156. 41 Bk. 156. 42 Bk. 156. 43 Bk. 156. 44 Bk. 156. 45 Bk. 156. 46 Bk. 156. 47 Bk. 156. 48 Bk. 156. 49 Bk. 156. 50 Bk. 156. 51 Bk. 156. 52 Bk. 156. 53 Bk. 156. 54 Bk. 156. 55 Bk. 156. 56 Bk. 156. 57 Bk. 156. 58 Bk. 156. 59 Bk. 156. 60 Bk. 156. 61 Bk. 156. 62 Bk. 156. 63 Bk. 156. 64 Bk. 156. 65 Bk. 156. 66 Bk. 156. 67 Bk. 156. 68 Bk. 156. 69 Bk. 156. 70 Bk. 156. 71 Bk. 156. 72 Bk. 156. 73 Bk. 156. 74 Bk. 156. 75 Bk. 156. 76 Bk. 156. 77 Bk. 156. 78 Bk. 156. 79 Bk. 156. 80 Bk. 156. 81 Bk. 156. 82 Bk. 156. 83 Bk. 156. 84 Bk. 156. 85 Bk. 156. 86 Bk. 156. 87 Bk. 156. 88 Bk. 156. 89 Bk. 156. 90 Bk. 156. 91 Bk. 156. 92 Bk. 156. 93 Bk. 156. 94 Bk. 156. 95 Bk. 156. 96 Bk. 156. 97 Bk. 156. 98 Bk. 156. 99 Bk. 156. 100 Bk. 156.

the man
convey the
deed.

p. 14

If a man conveys, perhaps an estate he may
recover his understanding, apart to it, &
thus make it unavoidable, even by his heir.
(Co. L. 2. 2 Bl. 292) It is voidable only, orig.⁴⁴

But if he dies, without recovering his un-
derstanding, or, having reco. it, without apart
to the beneficiary, his heir may avoid, or confirm it. Co.

+ A person, half derog from notoriety
of particular reco., if
of not capacity,
not legally incapac,
but making a
deed (3 Co. Bl. 299). But his capacity must be proven.

L. 2. 2 Bl. 292.

Transcon - As to the conveyances of beneficial of Trusts
Covent, see Husband & Wife. 2 Bl. 292. 3. 4
Cruise. 20 de.

Derog.
p. 39.

If one makes a deed in consequence of
derog, he may affirm or avoid it when the
derog is removed. (p. 3 Bl. 292. 5 Co. 119) Voidable.

Chief one, beneficial under derog. 2 Bl. 292
See Contracts.

Of T. E. by deed. Requisites
Parties.

50.

* But tho' for
 y^e purpose of
 passing y^e inter-
 est, it will ope-
 rate as if deed
 of him only, who
 had y^e int^y will
 not y^e others be
 liable, for y^e case
 may be, on the
 covenant?

If a deed is made by several, some of whom
 are legally capable of conveying, & others not, it will de-
 cide as the deed of ^{only} those who are capable. (Sheph. 8.2.
 4 Cruise 429. & c. One may have all y^e interest in the subject
to be conveyed, if one only of the grantors is legally
capable; it shall have effect to him only. (Id. Sheph. 7.
 & Grant to S. & P. jointly, 2 Cr. 100. 4. 2. 472. 4 B. 644.
 (Id. 20. 57.) - If it is in legal effect a deed to J. S. only, in
 its operation - So, if J. S. & a joint con join in a deed.

Who may
 be grantee.

By the com. can all persons, ^{in gen^l} be
grantees in a deed - as joint cor. - infants -
idiots & lunatics, as well as persons of sound
mind (4 Cruise 22. Co. L. 2. 5. 3a. n. 1. 2 a.

p. 55.

Supposed to be for their benefit - But in
 the ca. of joint cor. rights, idiots & lunatics,
 the benefits are voidable. (See Hughes & Wright
- Parent & Child - Contracts) (4 Cruise 22.

Cruise, 27.

So, an alien may ^{at l.} benefit in deed: But
 he cannot hold the land - ^{right of conveyance of title} the land - for one year
 it goes to the king (4 Cruise 22. Co. L. 2. 5. 2. 5. 3. 439.
 4 B. 350. - See Thompson & Wright 11 Mass. 256 - 7 B. 600.

An alien king, however may hold a lease for years, of
 a house, for the convenience of merchandise. (2 B. 228. 3 B. 75.

Ch. Title by deed & Requisites 15.

Who make
grantees.

Parties.

In Con. aliens are by stat. disabled to
"hold," or "sue," land, without special
license, from the legislature. (Ch. C. 350.

1 Sec. 299) Du. Is anything more intended, by 4th St. 4th an
affirmance of com. law rule?

Exception in favor of British subjects
who owned land here before the rev. ~~war~~ ^{revolutionary} war,
& passing to French subjects, the right, to wit.
they are entitled under our Treaty of amity
wth the French King, Article 10. (Ch. 350.

Special licenses are usually granted ^{by of legislature} when
applied for, in favor of foreigners.

Those who are naturalized under the
laws of the U. S. are not within the pro-
hibition. ~~See also~~.

This disability of aliens exists, in gen^l. through-
out these states. But in Kentucky real est^e may be
inherited thro' an alien; & in Penn. aliens may take
by devise, or descent — but not by deed, or convey.
inter vivos, even in those states, unless domestic there.
(Ed. Encl. art. Alien.)

16.

Who may be
granted.

Corporations.

Of Title by Deed. (Relinquishes)
Parties.

By certain Eng. & Am. decisions in mat
trials, i.e. to any ecclesiastical or other corporations,
are, in some cases, prohibited, & in others, much
restrained. 12 B. 250. H. 1 Ch. 47 g. 4 Cruise, 23.

No such St. in Cont. - Here, ~~then~~, ecclesiastical
many other corporations ~~may purchase~~ may purchase
land, unless restrained, by their acts of incorporation.

But we have a Statute, that will allow
the grant to for the support of the poor, ministry,
or of schools, or for the relief of the poor, or
for any other public & charitable use, shall
never remain, to the use, to wit. - thus
making them reasonable. (St. C. 433.)

This Stat. has been voided by new long
leases for a term in gro. & now we have
sanctioned them.

of The of Dec. - (Reunited)
Consideration.

19.

But question whether the rule, y. a deed without consideration, inures to the use of the grantor, can apply in this State? Since the doctrine of uses was never rec'd here - Nor has the practice of conveying to uses ever obtained here. (156. 301. ante. 317.) - But a consid^r is always inserted in our deeds, ex abundanti cautela.

Contracts, 100.1.

2 R. W. 59. Rob. Fr. Cow. 129.

Consideration, in either good or valuable, is not a technical or artificial ^{accidental consideration, like a return or a reversion (see 23)} relation towards a near relation. - ⁴⁴⁴ Abundance is one, in which there is recognition value. (2 Bl. 297. 310. 330. 4 Cruise 24. 5. 30. 33. 1 Penn. C. 30. 1 Fentl. 337. - (see Contracts.

Fromt. Cow. 129.

Marriage is a status deemed a valuable consid^r. (4 Cruise 24. 2 Bl. 297.) Ex. gr. In settling a jointure &c.) This rule contemplates a man's subseq^t to y^e grant - aliter it not y^e procuring cause of y^e grant. But a grant after man's & in consid^r of it, is a good consid^r founded on a good consid^r & not by him to wife.

(Fromt. Cow. 129. 51.)

A consideration good or valuable, will support a deed of conveyance (see 2 Bl. 297.) as between the parties to the deed. The recognition of value. (2 Bl. 297. 310. 330. 4 Cruise 24. 5. 30. 33. 1 Penn. C. 30. 1 Fentl. 337. - (see Contracts. 100.1. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.)

of Time & place. - (Reconsideration)
Reconsideration

The consideration expressed in a deed, can
 not be denied the grantor or his representative,
 even in a deed to himself. They are
 for the benefit of the decedent the title. They are
^{130.} expressed by the deed. Contracts (44) 1. Co. 2. 34.

and 5. 6.

1. Co. 2. 34. 2. Co. 2. 34.

2. Co. 2. 34. 2. Co. 2. 34.

3. Co. 2. 34. 2. Co. 2. 34.

4. Co. 2. 34. 2. Co. 2. 34.

5. Co. 2. 34. 2. Co. 2. 34.

6. Co. 2. 34. 2. Co. 2. 34.

7. Co. 2. 34. 2. Co. 2. 34.

8. Co. 2. 34. 2. Co. 2. 34.

9. Co. 2. 34. 2. Co. 2. 34.

10. Co. 2. 34. 2. Co. 2. 34.

11. Co. 2. 34. 2. Co. 2. 34.

12. Co. 2. 34. 2. Co. 2. 34.

13. Co. 2. 34. 2. Co. 2. 34.

14. Co. 2. 34. 2. Co. 2. 34.

15. Co. 2. 34. 2. Co. 2. 34.

16. Co. 2. 34. 2. Co. 2. 34.

17. Co. 2. 34. 2. Co. 2. 34.

18. Co. 2. 34. 2. Co. 2. 34.

19. Co. 2. 34. 2. Co. 2. 34.

20. Co. 2. 34. 2. Co. 2. 34.

21. Co. 2. 34. 2. Co. 2. 34.

22. Co. 2. 34. 2. Co. 2. 34.

23. Co. 2. 34. 2. Co. 2. 34.

24. Co. 2. 34. 2. Co. 2. 34.

25. Co. 2. 34. 2. Co. 2. 34.

26. Co. 2. 34. 2. Co. 2. 34.

27. Co. 2. 34. 2. Co. 2. 34.

28. Co. 2. 34. 2. Co. 2. 34.

29. Co. 2. 34. 2. Co. 2. 34.

30. Co. 2. 34. 2. Co. 2. 34.

31. Co. 2. 34. 2. Co. 2. 34.

32. Co. 2. 34. 2. Co. 2. 34.

33. Co. 2. 34. 2. Co. 2. 34.

34. Co. 2. 34. 2. Co. 2. 34.

35. Co. 2. 34. 2. Co. 2. 34.

2. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34.

But, how can you seal it for identity, or
security. 2. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34.
 (Contracts 48) -

And, therefore, in matters of granter & beneficiary
 (and title) seal does the business of it. (But
land conveyances.)

A deed, intended to be, for business good con- sideration, is so considered as to be binding on grantee
 for the decedent from the decedent, in a deed
 to the grantee of the decedent. 1. Co. 1. 15. 1. Co. 1. 15.
 2. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34. (The words embrace matter
 of law, in title than of fact, instrument to signing, for lawful cause.)

But in such a case, the decedent may over &
be one the decedent instrument. For this does not convey
with the decedent. 1. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34. 2. Co. 2. 34.
 1. Co. 2. 34. 2. Co. 2. 34.

* The words, Recon sideration have been
 between subject 19
 1. Co. 4. 8. 1. Co. 4. 8. 1. Co. 4. 8. 1. Co. 4. 8.
 that the consideration
 is reconsideration

2d Title by deed. - (Requisite.)
Conveyance.

Conveyance, etc.

+ in a collateral
 action - i.e. one,
 not founded on
 y. deed. Ex ac-
 tion on ^{bond} note, or
 y. recovery of y.
conceal'd

Conveyance in a deed of the re-
 ceipt of the conveyance is not conclusive on the
 grantor - and, presumption in - their form,
 to leave the title, ^{by preventing} ~~but not~~ a reversion there, or use
 1. Roll 177. Brace v. Carter, L. C. 2. Foot, 49. 3. Johns.
 480. 492.

Contract

III. Every deed must be written, ^{or printed} on paper or parchment. 2 B. 297 & Bract, 25. C. d. 227. a.

But it may be in any language, or other written form.

Contract, 57.

Formerly, writing was not necessary in the conveyance of land. But now by the Statute of 29 Car 2. no gift in land can be made for a longer term y^t 3 years, can be made without writing. (And any lease or grant for a longer term, & not written, operates only as a lease at will. 2 B. 297. Rot. on R. 2407, 1 Br. 72. - now, as a tenancy from year to year: see Statute of wills - Under our Statute of 1 R. 3 a parcel lease for any term having stat, is not good.

pos. 437-55.

The deed must be written before the sealing & deliv. - For if one seals & delivers a blank paper, wth directions for filling it up, & this is after done, it will not be his deed. - It takes effect by deliv, & as deliv is done, 4 Bract, 25. & 114. Touch, 54. R. 1. 1. 1. - See del 55. del 55.

of Title by Deed. - (Requirements)

IV. The subject matter must be legally
substantive - tho' it is not indispensable, that
the right vest in the order, usage,
prescribed, 2 R. 257 - 2 R. 225. L. O. 4 B. 11,
32-3.

The form of possession, land, one, right,
149.

Requirements.

1. The premises - contains the names of
the parties, their relations - the recognition, it - the consideration - the description
of the thing granted - & the exceptions, if
any - i. e. that, precedes the habendum.
2. R. 208, 4 B. 11, 33.

to description
in matter, premises
quantity, the, see
208, 31.

The position of granted, name, in the pre
mise, does not vitiate the deed, if the name is
in the habendum. - And in such case, a wrong
name in the former may be rejected, as per blas
phemy: (3 East 1. 5. L. O. 1. 7. Sheld. owl, 5. Allen, 41.
- Blaise, 41.)

* So when the name of the baron, grantee was
omitted in the operative part of the grant, but the commo
- was corrected by name, granted to him, and was holding good.
By virtue of the provision in the statute, that, the baron in the Blaise,
419. L. 34. 18 dist. 40.

2d Title by Dec. (Requisite).Principles.

To a birth man be described without
water of his names. Ex. Grant to the first
son of J. S. 4 acres, 35. C. & 3 a.

To the word, "son" is a sort description. Ex.
 Grant to the issue of A. The term being equiva-
 lent to "child," or, "children." 4 acres, 35. 6 a. & 2 f a.

For the rules as to exceptions, in cases, see 4 acres,
 40. The 1st. 77. A. & 2. 5. - (Cov't broken, p.

Anderson H. 243. - The habitation of the dead

The office of the Native Land is ^{to} designate the quantity of int. zone; this may be done in the British or grant of black accounts to hold to him & his heirs; or, grant of black and to of his heirs (2 R. 298. 4 Cruise 407 1st W. 302.

When the grant of int. is expressed in the form is, it may be restrained, enlarged, renewed or qualified in the habendum. Ex. Grant to A. & the heirs of his body, habendum to his heirs forever - A. has an est. tail, with a reversion in his heirs forever. (2 Bl. 298. Co. L. 21. 2 Ed. 1. K. 14. 23. Bro. Jac. 270.) For 4: const. gives effect to both clauses.

The rule is said to be the same, if the
prince were to slay his king for ever, harmless
to the ^{himself} king of his body. (2. B. 29 & Bro. In. 470.
2 Coll. 2. 19. 23.

⁵ Coll. A. 19. 23. Pub. B. L. Scrump. W. 179
But see 8 Q. 154. B. C. d. 21. n. r. 163. 20. g. & No. 20. Cont.
i.e. that A takes a fee tail on a plot a fee manor.
expectant. - See 2c - This sums the letter of the riches.

Genl. note, that from a life of experience in domestic
war, may be extracted in the Kabulistan Group, of R.C. 1541.

of Title in Desc. (Requisite) 23.

5. The condition, i. e. 2 Bl. 229. For
what is condition.

5. The warrant, by w^{ch} the grantor, or livery
his heir, warrant to the see to the grantee.
2 Bl. 300. 4 Cruise, 49.

+ under d do title;

In this case, (accord^g to ancient practice) ^{the} grantor ^{was} bound to assume to see him, the land of equal va-
lue. And this, he ^{might} be obliged to see, either
upon oath or in seale, or in writ of assize the
charte. 4 Cruise, 49, 54. 2 Bl. 300. Co. L. 305. a.

as to warranty seise & collaturae, see
this difference. 2 Bl. 300. 3 A. L. 143. Co. L. 304.
304. 1 Co. L.

Warrant may be express or implied. Reverie, 49.
Co. L. 305. a. 2 Bl. 300. 1 Ser 305. - as by the warrant de
or a proffert in fee, under the ancient & law. Vid. Co. L. 305.

In modern practice warrant is disused, being
superseded by conveyance. 2 Bla. 304. Bac. Co. L. 2. 4 Edm. 11.

Of Title by Deed. (Requisites)

Grantant.

The cover sub, not in use, ^{either} by not of 4
parties some stake later, sometimes, in favour of
the other & that grantor ^{is} has right to convey -
that grantor shall quietly enjoy - Let grantee
with have con or release, 2 Bl. 304, 4 Crane, 74
Low, 138.

+ (or, if grantor
 before he has good
 title);

The second cov. to in (conveyance) ^{all} convey in
inserting quitclaim!
as an invol. that grantor is well informed, &
has good right to convey - That he will
release the title as all claim, (quit 1 Bl. 304 Crane 74 Low 138 C) if it be he shall quietly enjoy.

In contract,
21. 27

The principal difference, in effect be
tween a warranty & a cov. is that the for-
mer binds the grantor and, in the case may
be, in him, 2 Bl. 304) to apiece other lands, in
case of eviction, but does not bind his ex-
ecutors, 2 Bl. 304, 4 Crane, 49, 50, 55, 74, Low, 138, Crane,
4 Crane, 11 - It is a real cov. if broken,
it cov. on the other hand, entirely granted
to a recompense in damages only, & always
binds the incumbent he, but not the heir unless
named 2 Bl. 304, 4 Crane, 11, Co d. 978, a, 4 Crane,
50, 55, 74, Low, 138, Crane, 11, Co d. 978, a - This is a personal cov.

+ nor then, un-
 less he has heirs
 by descent, from
 4th cov.

As to the different kinds of conveyances & their nature & effects, see Statement of Co. Book

2.2.4.

+ Ex. Beginning
4th - thence running
- chancy or road
thence 100 rods
containing 100 acres

* Same rule, in the
and refers to the
association between
due to a second
containing a second
portion to the above.
2 Root 252.

bounds (abuttals),
If the land conveyed is described by
or by courses & distances,
metes & bounds, this description,
grantee is not liable on his cov. to hold back
part of the quantity mentioned in the deed.

2 days 3, 2, 3, 4. + Or, there is
2 Root 525. 2 - 1/2. 252. 1 - 1/2. 255 - 1 - 1/2. Black and
bounded to contain 100 acres. - The description
or boundaries,
in metes & courses, - unless there is a special cov. as to
the quantity.

+
When the metes, or distances, or length of lines,
or courses, to the boundaries (abuttals)
do not correspond with the boundaries or monuments,
the latter govern. In running 100 rods to such a
monument, the distance proves to be greater or less
(i.e., several times as L.C. - 5 Wheat. 580.) If grantor owned,
from 1/2 to 1/2 monument named, his cov. is not broken, tho' actual distance, or
quantity, be less or more than described.

in. would action for fraud lie in these cases,
if grantor had intention to defraud, or if grantee had
acted in bad faith. If not, it is an answer to the action, & grantee need not
have insisted on a cov. in the deed as to the quantity. But
if the action has been sustained, - see
2 Case, 128. See also same case, in equity, 5 Day 439, in which the case in
2 Day 128 is overruled & held to be law -

* B. have had
1/2 and mean
much.

of Title by Desc. (Reconstr.)Argument.

But if the description is by quantity,
^{boundary,}
~~without~~ ~~metes~~ or ~~boundaries~~, the grantor is li-
 able in case of ^{some} ~~the~~ recision, i. e. Grant of one
 hundred acres, called Blackacre. (1 Sh. 355.
 2 Sh. 344.)

Now, it is said, if the description in the
 last case is qualified by the words, "more or
 less" the quantity is, then, supposed to be in-
 dicated ^{only} by way of estimation. (1 Sh. 344, 5. 1 Sh.
 355.)

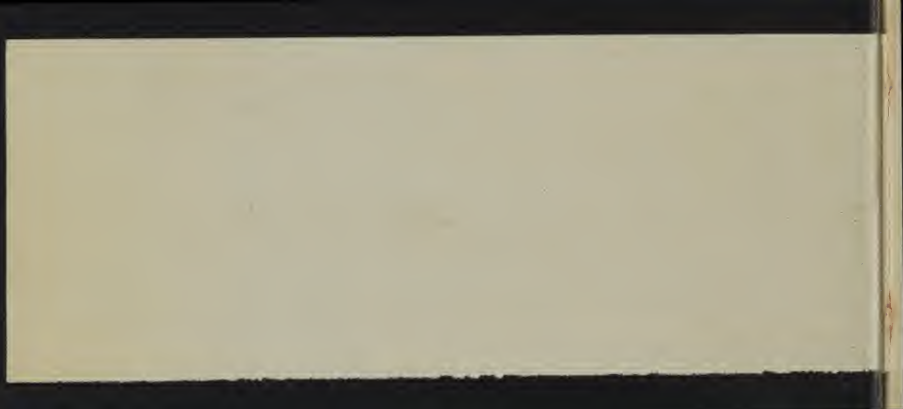
But when the description is in ^{about, or} ~~metes~~
 - or courses & distances -
~~metes~~ the words, "more or less," have no oper-
 ation. - The description is metes &c. as in, (1 Sh. 344, 5.)

(p. 33).

Where a deed has no date, or an impossible date, as the 30th Feb / or in the deed reference is had to the date, that word must be construed delivery - ut res magis valeat, quam pereat.

but if it has a sensible date, the word date occurring in other parts of the deed, means the day of the ^{written} date, but of the delivery -

4 B & C. 908.



Conclusion.

1. The Conclusion. - w^h mentioning the execution date, 2 Bl. 304, 4 Cruise, 39. - The date may come in, either by insertion in the conclusion or, by reference to a date before mentioned.

The date is, in strict law, no part of the deed itself, but merely a memorandum of the time of its exⁿ - And, formerly deeds were not dated. Dates became customary in the time of Edw. 2, or Edw. 3, 4 Cruise, 38. Co. d. 5. a. Chitton Bile, p. 43. 4, 2. 337. Yelv. 198. 2 Bl. 304. See note.

2. 27

But a date is not ^{even} known, except 2 Bl. 304, 4 Cruise, 34. And when inserted on the basina facie of the deed, ^(Imp. Statute, 2. 13. 4. 57) then, if there is an impossibility among one date, or none at all, the time of exⁿ may be proved in barol. 2, 3 Bl. 304, Co. d. 45. Ly. 28. Sai. 482. 4 Cruise 34.

1. If two deeds bear one date, & manifestly contain one agreement, this & w^h best supports the clear intention of the parties, shall be presumed to have been first & inserted, 4 Cruise 34, 1 Bar. 100-7.

Of Title in Read. - (Luminous)Reading. X

V. The next requisite to a ^{in some cases,} dead, is the reading of it.

≠ that it shall be
read to him.

It is necessary ^{(being unable to read),} either ^(on his request) to read it to him if he is not able to read it himself. (2 R. 304. 4 Cruise 27. 11 Co. 102. 11 Co. 102. 11 Co. 102. 11 Co. 102.)

If he is able in fact, he should read it himself. If not, a notary should read it to him. (2 R. 304. 2 Co. 3. 9. 4 Cruise, 27. 11 Co. 27. 11 Co. 102. 11 Co. 102. 11 Co. 102. 11 Co. 102.)

But if he does not read it himself, it may be read, he is bound to it. (2 R. 304. 2 Co. 3. 9. 4 Cruise, 27. 11 Co. 27. 11 Co. 102. 11 Co. 102. 11 Co. 102. 11 Co. 102.)

And if it is read, he is bound to it. (at least, as to the fact that he has read it.) unless it is to read in collusion between him & the reader, or he has to repeat it. In such case, it will be void. (2 R. 304. 2 Co. 3. 9. 4 Cruise, 27. 11 Co. 27. 11 Co. 102. 11 Co. 102. 11 Co. 102. 11 Co. 102.)

2. 3. When a deed, being void in fact, is so in title, & when not, see Chy. 10. 11 Co. 27. 11 Co. 27. 11 Co. 27. 11 Co. 27.

Requiescitur.

VII. Every deed, to be operative must be delivered:— Hence the form of a deed is "Gave & del." 2 Bl. 307. 4 Cruise, 28.

6.22.

^{in writing,}
From the delivery it takes effect, what ever may be the date. (2 Bl. 307. 4 Cruise, 28.
2 Co. 4. 5 Rep. 58. 2. Nov. 49. +

reference instrument
Sh. p. 10. to make
of a deed. (Requiescitur)
from the delivery
of a deed. (Requiescitur)
full age, i.e. 21
and then to make
72). So, though, if
only del. after
full age—the real
ed. for me per Com.
201.

And tho' a third person seals the deed, yet if he intends to deliver it, he is bound. He adopts the sealing (4 Cruise, 28. 2 Bl. 307. 4 Cruise, 28.

2nd. p. 132. - post 35.

ante, 23. post 55. But if delivered before sealing, it is no deed. (Sheph. 58.

The act of delivery in those words, may be effectual. Sheph. 58. 2 Co. 13. 4. 132. Little, p. 30. 49. Co. 2. 122. 350. Com. Dig. Fact, s. 3.

So a delivery may be ^{in law} in words only, without any ^{of delivery} act of the grantor. Ex. grantor says, "the deed being sealed" "here is my deed, take it." (Sheph. 58. 4 Cruise, 28. Co. 2. 30. 2. 5. Com. Dig. Fact, s. 3.

Deliver

of Title by deed (Requisites)

39.

~~It is not a deed, unless it is delivered, and it is not a delivery, unless it is made with intent to pass the title.~~
It ~~is~~ cannot be delivered, to any effect, more than once. For, if the ~~first~~ ^{first} delivery has any effect, i.e. is not strictly void, the second will be ~~void~~ ^{absolutely} void. (Shelk. & P. 50. Put. 154. 4 Cruise, 20, 29.) Since a deed cannot begin to operate, or take effect, more than once. The contrary supposition would be an absurdity.

But if the first delivery is ^{absolutely} void, the second may be effectual. Ex. Reud deliv. by com. cov. & after re-bon di morte, del. again, the second is good. (Shelk. & P. Put. 154. Comp. 201. 4 Cruise, 24, 29. 3 Bar. 1835.) It takes effect from 4th second, as if made then, not, as confirmed, from 4th first del.

3. If a deed, once good, becomes void, as by loss of the first, a second making & delivering will make it good. (Shelk. & P. 50) as a new deed.

But if an infant, or one under duress, delivers a deed, & after full age, or restoration to liberty, delivers it again; the second delivery is void. (Shelk. & P. Put. 154. 4 Cruise, 29. 3 Bar. 1835. 4 Cruise, 29.)

For in these ca. the first is only voidable. (Shelk. & P. 50. 5 Co. 113. - (See Parent & Child, 32.)

of Title by Deed. (Requirements)

~~From~~ The same. The last rule, in merely, that the "second delivery is void, as a delivery, tho' operating as a confirmation of the deed at inst. So that ^{it} takes effect, & operates, as from 1st del.

1st delivery may be absolute, or conditional. 3 Sh. & L. 57. 4 Br. 29. 2 Bl. 307

When delivered to grantee ^{himself} for some other reason, ^{the} del. over, without cond. the delivery is absolute. — But if del. to a stranger, to be del. over on some cond. or contingency, the delivery is cond. 2 Bl. 307 4 Br. 29. 2 Bl. 307 (ex.)

In the latter case, the writing tell del. over, or rather, the cond. is intending or prearranging happens, is called an express del. — It is not the del. of the grantor at the time. — In such ca., 1st del. (to a stranger), is called an inchoate delivery.

It seems agreed, that a writing cannot be del. to an incorp. — the grantee. 3rd del. to him, the delivery is absolute. For the grantor is not permitted to have as ^{his} del. 3 Sh. & L. 57. 2 Br. 29. 5 Co. 84. 2 Bl. 307 4 Br. 29. 2 Bl. 307 a. 2. 10th. 248 11th. 37. 12th. 237. 13th. 218. — 2nd del. 2 Br. 29. 13th. 237. 14th. 237.

1. When the doctrine of relation will give effect to the deed:— If a person sole delivers a writing, as an executor, & then marries, conforms and of the cond^a the deed is deliv^d over during her coverture; the deed takes effect by re-lation to the first deliv^y. It becomes her deed from the first deliv^y, ut res magis patet h^c. — Secus, it would, fail of effect.

Inst. § 9. 143, 141.

(3 Co. 35. b. 1. Sto. 223. Ch. 6, 72. Pro. E. 447) — And For y^e second deliv^y is but a consummating act (y^e instrument being complete) — & such acts may operate by relⁿ al^{tho} an orig^l act cannot. (p. 44): +

+ Since then is nothing, to which can have relation no inchoate act of conveying (p. 44-5)

So, if one delivers a writing as an executor, after his death, & dies, conforms to the cond^a the deed is del^d over; it takes effect by relation for the reason ab^{ov} sa. (3 Co. 35. b. Pro. E. 447) In maker's death being a revocⁿ of y^e depositor's auth^y; & therefore, y^e second deliv^y bind^s, as a deliv^y. But y^e perform^t of y^e cond^a consummate, & makes absolute y^e first deliv^y

And in such cases if the cond^a is, bar- gained, & the deed not del^d over; it will take effect from the first deliv^y, by relation. (3 Co. 35. b. Ch. 6, 59)

b. 42

The inchoate deliv^y being consummated by, con- form to the cond^a. For y^e second deliv^y is as a deliv^y void in it both y^e above ca^s: the auth^y of y^e depositor being revoked, by y^e subseq^t mar^t or death death, depositor. Therefore, from nupt^y, ut res magis re. y^e first deliv^y is held to be consummated, by perform^t of y^e cond^a

74
Deceased.

of Estate the Dead - (Granting)

Given also, in one delivery a writing, as
 an escrow; to be delivered to grantee, on the
 grantor's death; it takes effect ^{on his death,} not in relation
 at the time it is made, &c. ^{But in a Court of Equity}
 See 2d. Ed. 2d. 100, 2d. 100, 2d. 100. Wilson v. Lewis
1. 2d. 4. (Rev. 55.) Now, as y^e grantor's death revokes
 y^e power of Att. (Litt. 5. 66. Co. L. 52. b. Pac. Authy. E.) y^e
 deed will take effect, whether revoked or not: but as
 made, &c. i. e. from necessity. For it is complete, & in part a
 complete conveyance; ^{death} ~~it is only a conveyance of property~~
 - & it is one of several made. made a deed
 of homage, & a letter of attorney, to a third
 party, to make him live in son if it then becomes
 non commens; ^{subsequent} ~~by y^e att^r~~ ^{by y^e att^r}
 to the deed ^{not an independent} ~~of the conveyance~~ ^{of the conveyance}

+ whether delivered
over, or not.

Co. L. 52. 3d. 24. a
 Co. L. 52. 3d. 24. b.

For y^e power was not made by a writing

• After, if y^e maker of y^e deed had died, before living made (Litt. 5.
 66. Co. L. 52. b. Pac. Authy. E. 2. 100. g). Because y^e deed ab-
 solutely revokes y^e authority. [There is no subject of a conveyance
 being y^e power is not to consummate an inchoate act. There is no
 inchoate power. A power is itself an act. & y^e operation act.
 y^e deed being only ex. of y^e conveyance.] How can this stand w. y^e last rule?
 If one makes a power of att^r to another, to execute a deed
 of conveyance, & he dies, before y^e power is executed; y^e sub-
 sequent ex. of y^e deed, by y^e att^r, will be void (Litt. 5. 66. Pac. Authy. E. Co. L. 52. Touch. 207. [212]. For y^e power is revoked
 by y^e death; & there is no inchoate conveyance to be perfected, by
 a consummating act, but a mere power to make an act.
 conveyance. There is no inchoate conveyance.
 • If y^e power had been only to revoke a perfected in-
 strument, it would y^e result w. probably, be otherwise.

For
 If there had
 been a con-
 veyance to be per-
 formed by gran-
 tee, it is presumed
 that the grantor
 died, without
 y^e little part?

"Authy. E. 2. 100. g). And then no one can say, w. ..."

Delivery.

+ In first ex.
(last sec.), y. deed
to be executed is
an orig. act, &
there is nothing to
stop it can re-
late, i.e. no in-
choate act of con-
veying (Ant. 43) - 2.
Bound of att. be-
ing only an authority
to convey.

+ It is so del;

2^d Title by Ind. (Requisites) 45.

2. But the application of the doctrine of
relation would defeat the deed (where
it is) first delivered as an escrow, the title
issue from the second delivery only at
a negotiable Ch. 2. - Ant. 42 & Ant. 42.

Thus, if a person delivered makes a deed
to one out of 3, & while out of 3, him
del. it to a stranger to be delivered
to the heir on the land; it will take effect
only from the second deliv. 4. For if the
doctrine of relation were applied to it, it
would be void. Bro. E. 44. 3 Co. 55. b. 30.
x. 48. is 3. Buist v. 215. 1 Ch. 59. Ant. 49, p. 9. Be-
ing first del.; when both parties were out of poss. Ant. 49.

For from b. 4. For
there is no inchoate in-
terest, though be del.
first, by a coheir
making it - but
a mere power, to
make an orig. one.

44 (b). If y. power
is delivered to deliver a
property, & if sub-
ject ext. of it is have
been good & first, &
delivered to deliver
it, it is delivered
to deliver it.

The rule, however, can not operate so as
to violate the privilege of a person, who is un-
der a legal disability at the time of the first
deliv. Thus, if an infant, or lunatic,
makes a deed, & delivers it to a stranger, to be
del. to the grantee, it is delivered after con-
firmation, by y. heir, determining,
first age; the deed does not bind. 3 Co. 55. b. 30. a.
2 Co. 105. Bro. E. 44. Com. Dis. Tail. B. 5. is. E. 44. 5.
The second deliv. is there not relative to the first.
If y. title is defeated by the relation. For the privi-
lege of the grantor wth otherwise, be destroyed by relation.

• A grantor, after executing a deed, resigns, on request, to acknowledge it, the grantee may "enter caution" with the recorder ^(register) of the town, & this leaves the int. to grantee till a "legal trial" had - and ~~after~~ ^{with} of the jury. (within ^{will} favor of the grantee) del. to the recorder, & he then records, and attests to the title & so ~~can~~ ^{can} authorize him to record the grant. Ch. C. 553.

• And "copy of the grant, authenticated by the recorder, & an affidavit or certificate of the head, & a field man, shall be a sufficient evidence of the title. Ch. C. 553. sec 1. Sec 307.

• 2d. What sort of "legal trial" is intended by the state? What action is admitted to the ca? The proper course would seem to be to a c. of eq.

Recording.

X. By our stat no deed of sale or mortgage of any land, is effective in law, except if the grantor be, and his heirs, and assigns, and at length, in the ^{land} record, of the town of S. 553. - 1. Sec 307.

Recording.

Of Title by Deed. - (Requirements)

But in the prior deed, being conveyed, or
recorded, is breached, from being recorded by the
subject, beneficiary, or by the grantor, it will,
 when afterwards recorded hold up - the in-
 mediate beneficiary - tho' his deed is first
 recorded. 11 Root, Or. 2, ⁵⁰⁰ 2 St. 239. - Willcutt v.
 Burton, 2 St.

So, if the record is delayed by the negligence of
 the clerk, 1 Root, 500.

For in both these cases, the first grantee is in no de-
 fault, having done all that the law requires of him,
 to perfect his title.

And it ~~has~~ ^{has} been determined by
 our courts, that a subject deed, first re-
 corded, shall hold to the exclusion of a prior
 one, (the recording of which has been unrea-
 sonably delayed by the prior grantee) tho' the
 subsequent purchaser had actual notice
 of the first conveyance. (vide 1 Root, Or. 388, 2 St. 287.
 1 St. 509. - See also 4 Conn R. 575. where the Court say, the
 subject, first found such circumstances, would not hold -

ante, 50.

And such is the rule, adopted ^{at law} in Eng. in the
 construction of the register act, - ¹¹ 11 Root, 23.
 11 Root, 23. 11 Root, 23. 11 Root, 23. 11 Root, 23.
 11 Root, 23. 11 Root, 23. 11 Root, 23. 11 Root, 23.

+ whether the time
 has been any way
 reasonable to say,
 on the part of the
 grantee or not.

Recording.

of Title by Deed - (Requisites) 53

But ^{it} is settled, in Eng. that, if the grant, and registering, before of the prior unregistered deed, at the time of purchasing, the prior ~~deed~~ grantee shall hold in equity. [†]

And it has been
decided in England
in the Case of
1st. State v. 1st. 187.
2d. 1st. 187.
3d. 1st. 187.
But a v. correct
rule? Can it be
relied to be a
constructive deed
construction in
this case.

1st. 23. 1st. 50. 1st. 50. 1st. 50. 1st. 50. 1st. 50.
2d. 275. 3d. 545. 4th. 345. 5th. 137.
[The delay of prior grantee makes no difference, it seems, in equity,
if the subsequent purchaser had actual notice.]
= The subject of the case is, in this case, con-
sidered as a trustee for the former.

~~The case must be the same as the case~~

~~Ex. But the delay of the prior grantee makes
no difference in equity, since the subsequent
purchaser has actual notice?~~

Is not the true principle in this case that a sub-
sequent purchaser, who records first, shall not hold, ^{(unless}
^{he can prove he was party of the grant, or even a trustee)}, if he has
actual notice? [†]

As to the last
branch of the ques-
tion, an act of the
creditor may, per-
haps, stand on both
in ground. He has
been a volunteer
the property as between
himself and the first pur-
chaser, may, perhaps,
be considered, as
tabula in nau-
fragio, 1st. 310.
2d. 1st. 310.
3d. 1st. 310.
4th. 1st. 310.
5th. 1st. 310.
6th. 1st. 310.
7th. 1st. 310.
8th. 1st. 310.
9th. 1st. 310.
10th. 1st. 310.

If a man acquires notice of a deed for record,
without recording, even at
the request of both parties, he is liable to
any party injured by the act, as inditor of
grantee, who ~~has~~ have attached it, or a ^{subsequent} ~~subsequent~~
char under him. (2 Root, 55.)

Is this reasonable, unless of course, parties are paid?

So it is he liable to keep the deed, till recorded
on file. If he conceals it, he is liable to any one
who is injured by the concealment. (Humb.) Ex. Is
subsequent purchaser from the grantor? But that

of Debt by Debt.

How destroyed
a will?

In these cases, non est factum may be
pleaded to it. 15 Co. 110. 110k. 27 a. Ho. 8.
326.

2 Feb. 17. 58.
ante, 23. 37
nd. 3 B. 1. 10. 62.

So, if a blank is left to be filled w. any thing mate-
rial, & afterwards filled - Scam. if in a positive material.
Gilt. L. E. 100. 7. 2 Rol. 29. 1 Rol. 1. 39. 40. 10 Int. 185. 2 Lev. 35. Ho. 8. 547.

And if a stranger then destroys a
deed he is liable, in case to the grantee.
(Ho. 8. 220.)

[*] But may ^{not} the grantee in such a case, hold, as un-
der a deed, destroyed by time, casualty, &c. void.
Pleading, 103-5. I trust he may, by proving y^e contents of y^e deed
abundant, but not in virtue of y^e instrument, as alleged.

* But in equity,
if it may
still be in force
as a ^{part} of a
relief of accident

2. By breaking or destroying the seal & R.
308. 5 Co. 23.) - And if two are jointly bound in a
bond, & the seal of one only is broken off, it becomes
void, as to both - deceit, if they are severally bound.
11 Co. 28. 10 Rol. R. 40. 2 Bulst. 248. Doct. 76. 259. 2 Br. Ho. 8. 540. 541.
2 Show. 28. Gilt. L. E. 107. 2 Show. 29. 5 Co. 23. a.

3. By delivering the deed, to be executed. 2 R.
325-9.

x
p. 13. 14.
+ A bond different
affix y^e deed not
taken effect; & not
binding it - i.e. a
subrogation to
a deed, orig. & valid.

4. By the ^{subsequent} dissement of those, whose concur-
rence is necessary. Ex. the husband & his wife; one of
of which grants, or grantee &c. (2 R. 307. - Steph. 58.
[17] - By y^e dissement of one mentioned, is sufficient y^e de-
sement of an agent privately to render y^e deed void.

5. By the purge of a decree of a Court of justice
Ex. Deed obtained in fraud, &c. set aside in Chy
2 R. 309. Term. 34. & Pow. C. 143-103.

of Title by Deed.Deed. Conveyance

For the different kinds of deeds, see
2 B. 319-343.

Construction of Deeds.

Deeds are to be construed as near the
apparent intention of the parties, as the
words will permit. (4 Cruise, 415. B. L. 35. a.
Bond. 154. 155. 3 of 6. 135.

False assumption, ^{or verbal inaccuracies,} ~~never~~ never vitiate a
deed. (4 Cruise, 415. Sheph. 87. Plow. 154. 155. 134.
9 B. 46. a), where the intention can be ascertained from the words.

The construction should lie upon the whole
deed, not on any part only - and so made, if
possible, that every part may take effect. (4
Cruise, 415. Sheph. 87. Plow. 155-1. Dobb. 283.

Contracts, 128.

The word are to be taken most strongly ^{if}
+ this will apply the grantor's party whose words they are (4
Cruise, 415.) & most favorable to the grantee. Ex.
to car, where there is an ambiguity in land granted to A. without mentioning the quantity of
terms used - or int. - A takes for his own life. (Sheph 87-8. +
where the intention is not fully expressed. Not necessary in other cases.

p. 28.

If two clauses are repugnant, the first is to operate, & the latter to be rejected unless there is special reason to the contrary. (Sheph. 88. Hard. 94. Wm. 30. Co. L. 299. a. 4 Cruise 415.

Words of general release, when standing alone, are to be construed generally. Scarcely, if, bounded by a particular recital: They are then restrained by the recital. (4 Cruise 417. Bac. Abr. Release. R. Hob. 74. 1 Sid. 141. 1 Pow. C 390. 3 Mod. 277. 3 Lev. 209. Ex. - Court broken)

If the words will bear two constructions, one agreeable to law & justice, & the other not, the former is to be preferred. (4 Cruise, 417. Co. L. 42. a. 183. a.

Words which are repugnant to the general tenor of the deed, & the evident intention, are to be rejected. 4 Cruise, 418. 2 Atk. 135. 5 Br. P. C. 357.

58.
Construction

of Title by Deed.

When any subject is granted, ^{grantee} all the means necessary to the enjoyment of it. ex. A. grants a piece of ground, in the middle of his field to B. This implies, gives B. a right of way to it. 2 Bl. 36. Finch, 53. Co. L. 56. Sheph. 89.

Finch, 53. 2.

So, if A. grants trees growing on his land, grantee has the right of entering on the land, to cut & carry them away. (Sheph. 89. 11 Co. 52. a.

So, if one grants a mine in his land, grantee has a right to dig it. (Sheph. 89.

So, if one grants fish in his pond, grantee may go upon the bank to take them. Sheph. 89. Finch & L. 53.

~~And~~ The grant of the principal, & sub-
ject, ^{jointly} carrying with it the incident or accession, ^{jointly} with-
out the words, "in right & appurtenances." Ex. By a grant
of a reversion the rent & profits. - 2 Bl. 36. 2 Bl. 17 Co. 174. Co. L. 143
229. 2 Co. 85. 7. 2 Bl. 17 Co. 174. Co. L. 143

5. H. 2. 3. 4. 73.

So, by the grant of a house, the ways, &c. belonging to it will pass. (Sheph. 87.) - i.e. wth right of using them.

By the grant of a mill, ^{moved by water,} the water necessary to be used of it will pass. (Sheph. 87.)

Mass. 40.

Contract, 125.

Exp^d in Summ 1855.

A deed, drawn in a form, in use by him, it cannot take effect, may operate as ~~of another kind~~ for the purpose affecting the intention, &c. &c. Mass. 40. Sheph. 87. 2 Co. 35. Comm. 650. 2 Wils. 75. 2 L. 301.

Thus, a deed in the form of a grant between joint ten^{ts} may operate as a release. If made by the fractioner tenant to the joint man, as a release. If made without valuable consideration, for ^{near} kinsman, as a conveyance to land. Mass. 40. Sheph. 87. 2 Co. 35. Comm. 650. 2 Wils. 75. 2 L. 301. To convey to one's debtor, as a release (see Co. Litt. 400.)

+

212.

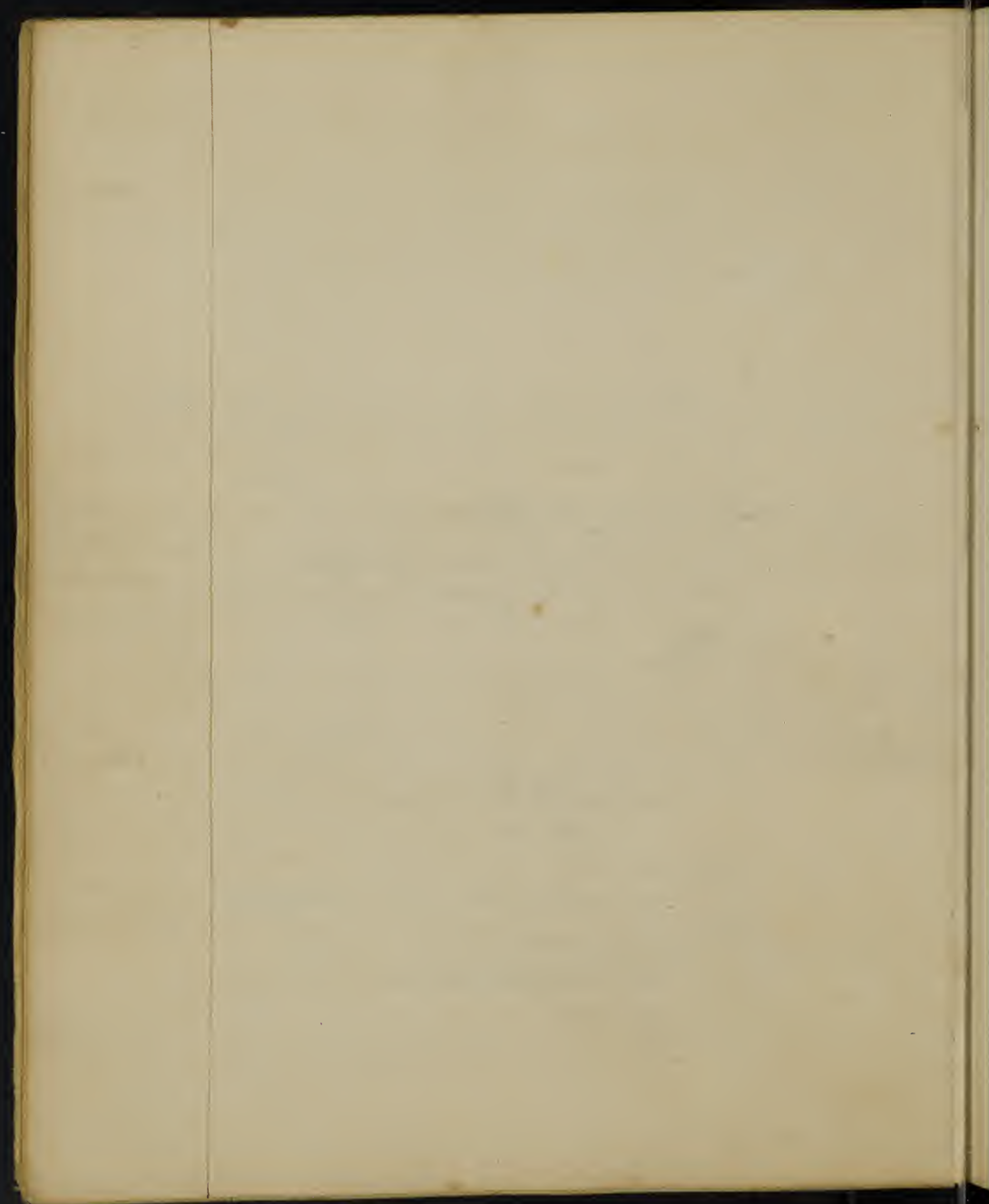
So, also, a deed by removal of a thing, in use of them has the whole int^{ty} in legal effect, Mass. 40. Sheph. 87. 2 Co. 35. Comm. 650. 2 Wils. 75. 2 L. 301.

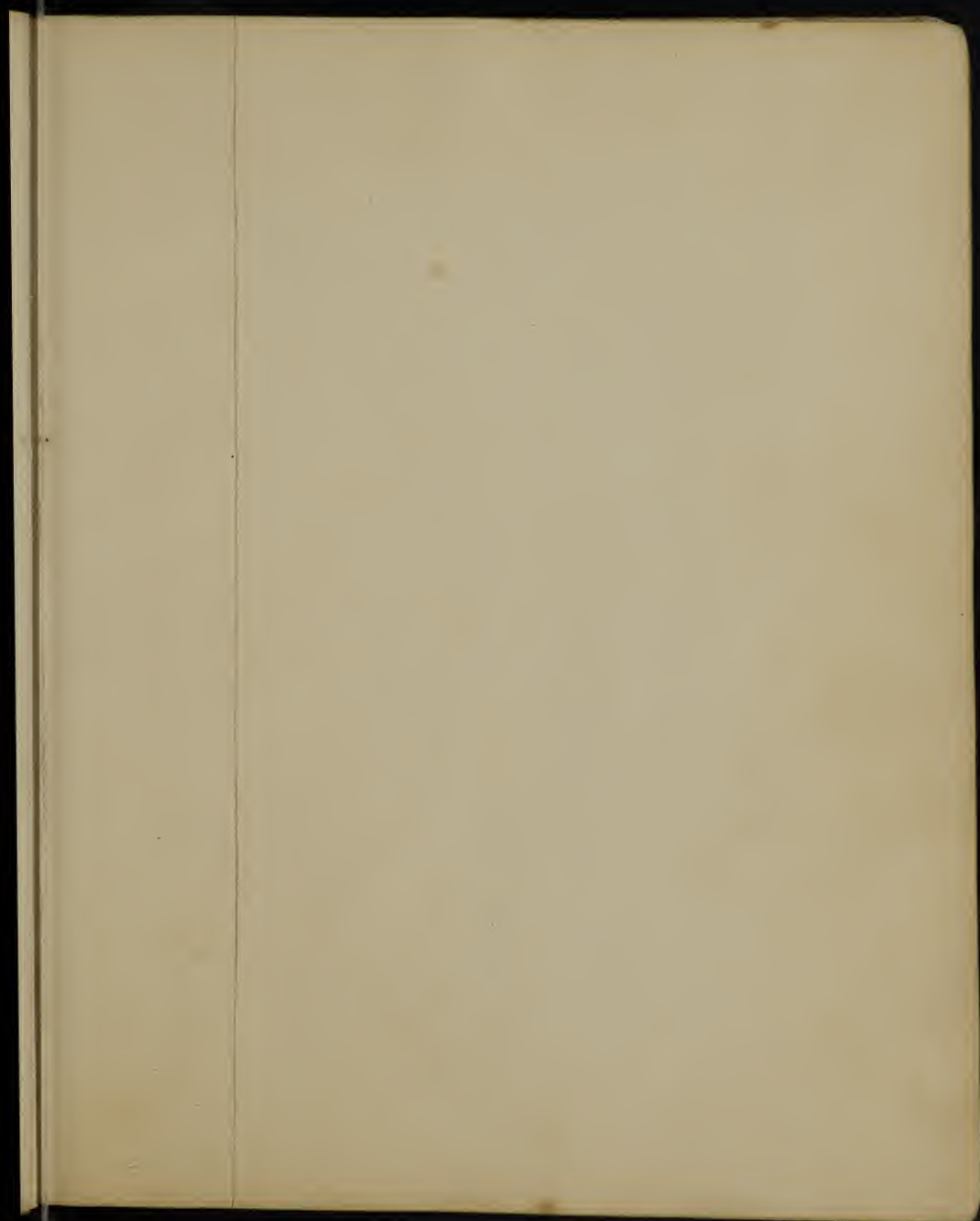
If two distinct obligations are ~~contained in one instrument~~
~~contained in one instrument~~, & one of them only is ~~contained~~ truly
 & the other is false & deliv'd, it is ~~the~~ ^{of the party}
void as to the one, & as to the other. 11 Co. 27. b.
 2 Rol. 28. 2 Ld. 347. i. Sheph. 70.

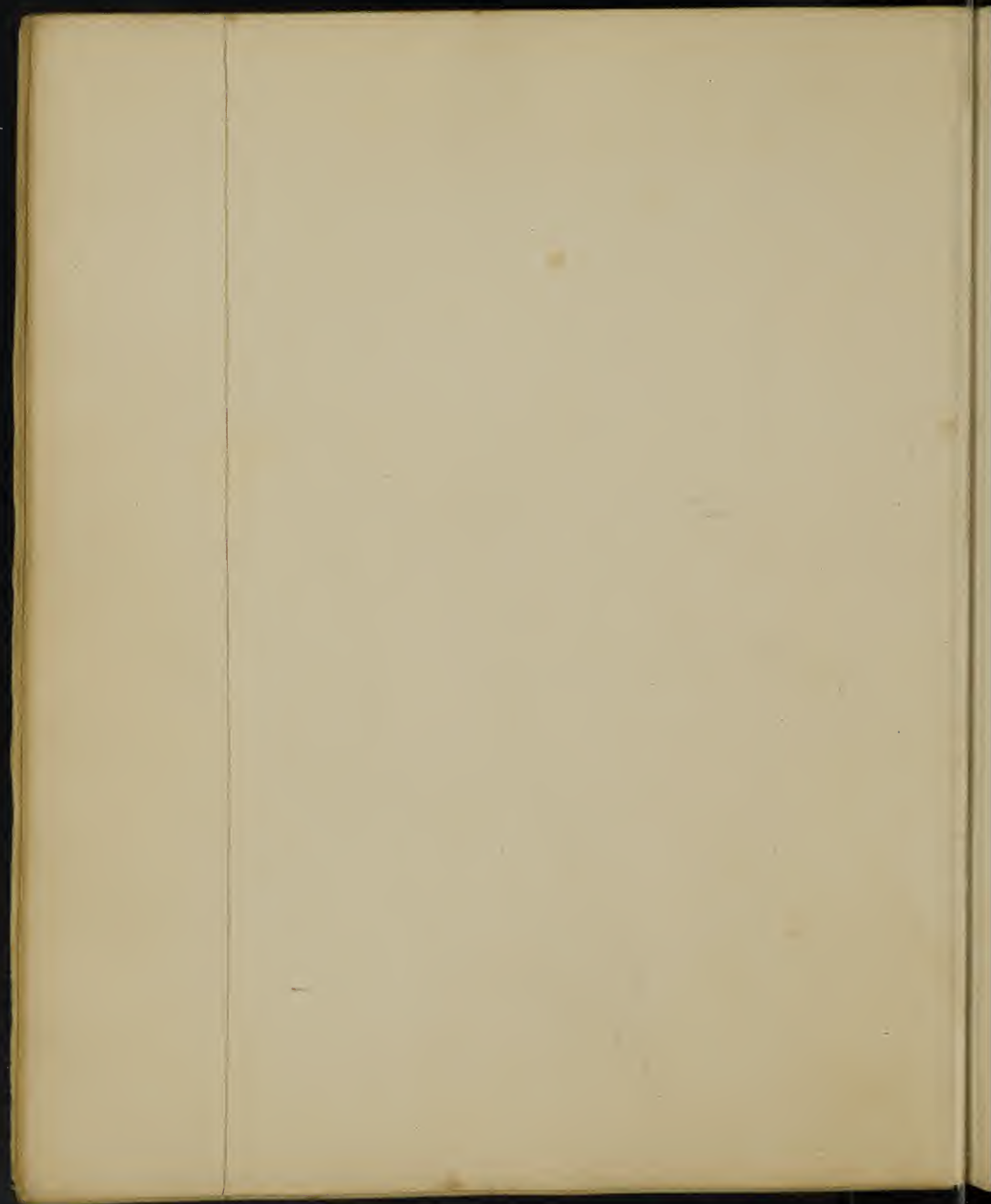
But if a deed is void, as to part of an
entire sum, it is void as to the whole.
 ex. Bond for £20, read, as for 20s (11 Co. 27. b.
 Sheph. 70) - And the obligor is not bound to pay
£20, for want of a part, nor 20s. because that sum
is not in the instrument. Nothing can be recovered by bond.

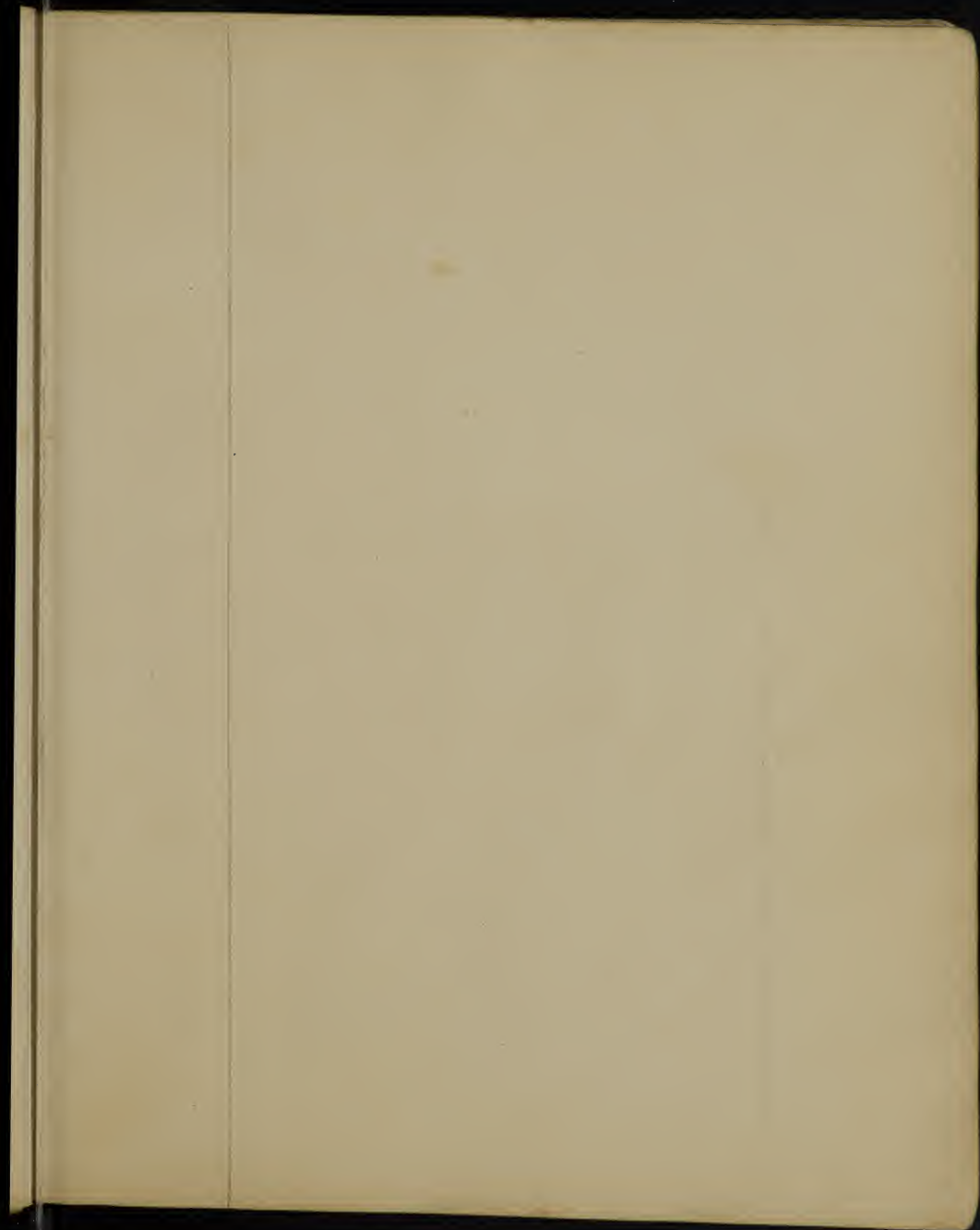
See Husb. & Wife
 47. - & 3 Co. 27. b.
Van Dyck. Bacon
 2. 1 Rol. 347.

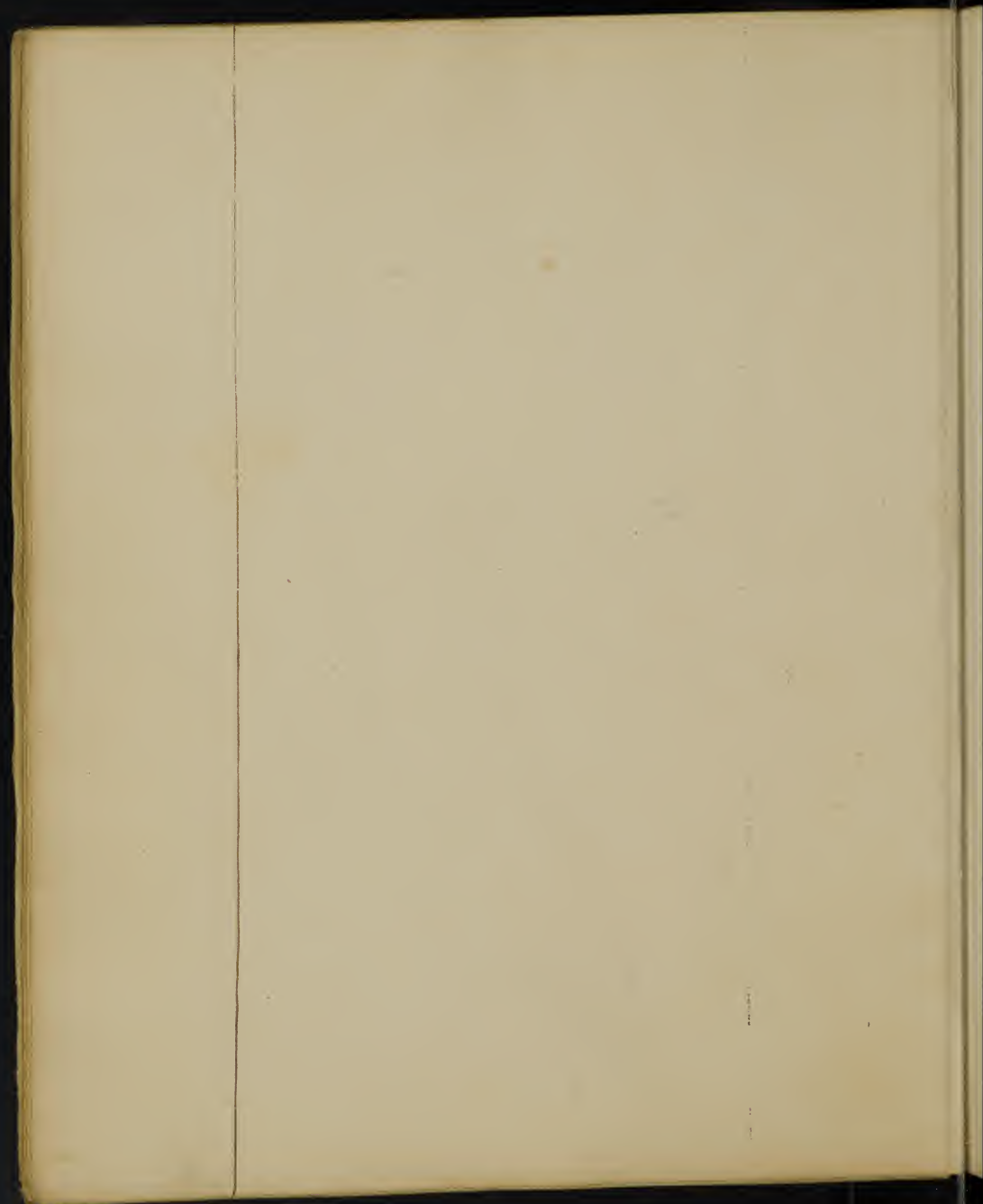
If a conveyance is made to two, & one of them
dies, the share of the latter remains in the
grantor. 2 Ld. 395 - in n. But. j. 192. 2 Co. 2 Bac. 140.
 (vide ante, 14). 2 Bac. Dower, &c. - This is, in its creation
 a deed to both, tho' voidable as to him, who has not
assented to it. If he dies, & it is not intended
 for him, & reverts to, or rather, perhaps, remains in,
 & grantor. - (Diff. from y. ca. p. 14. sec. 1. Thine & his,
 in its legal effect, & might, is a deed to one only.)

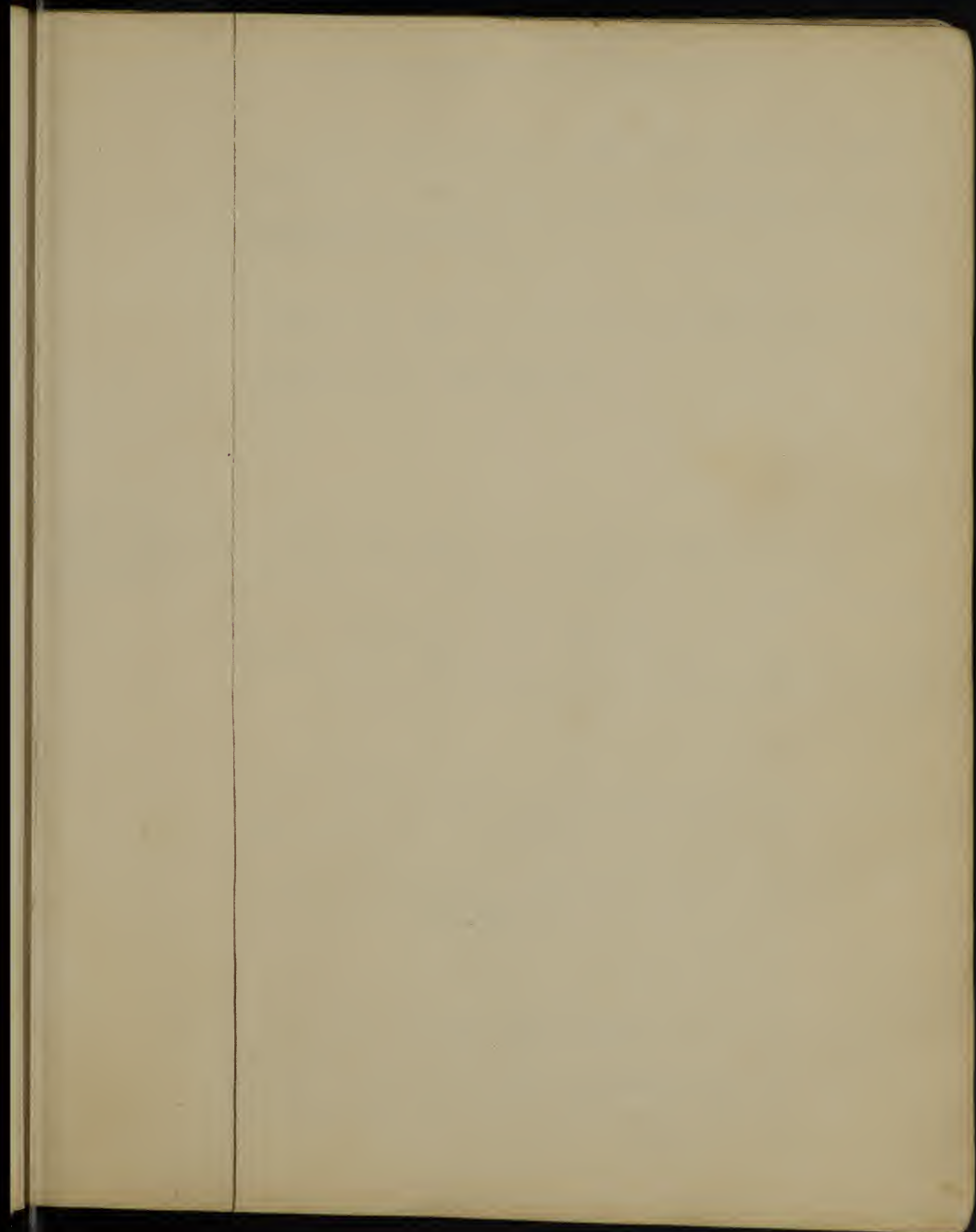


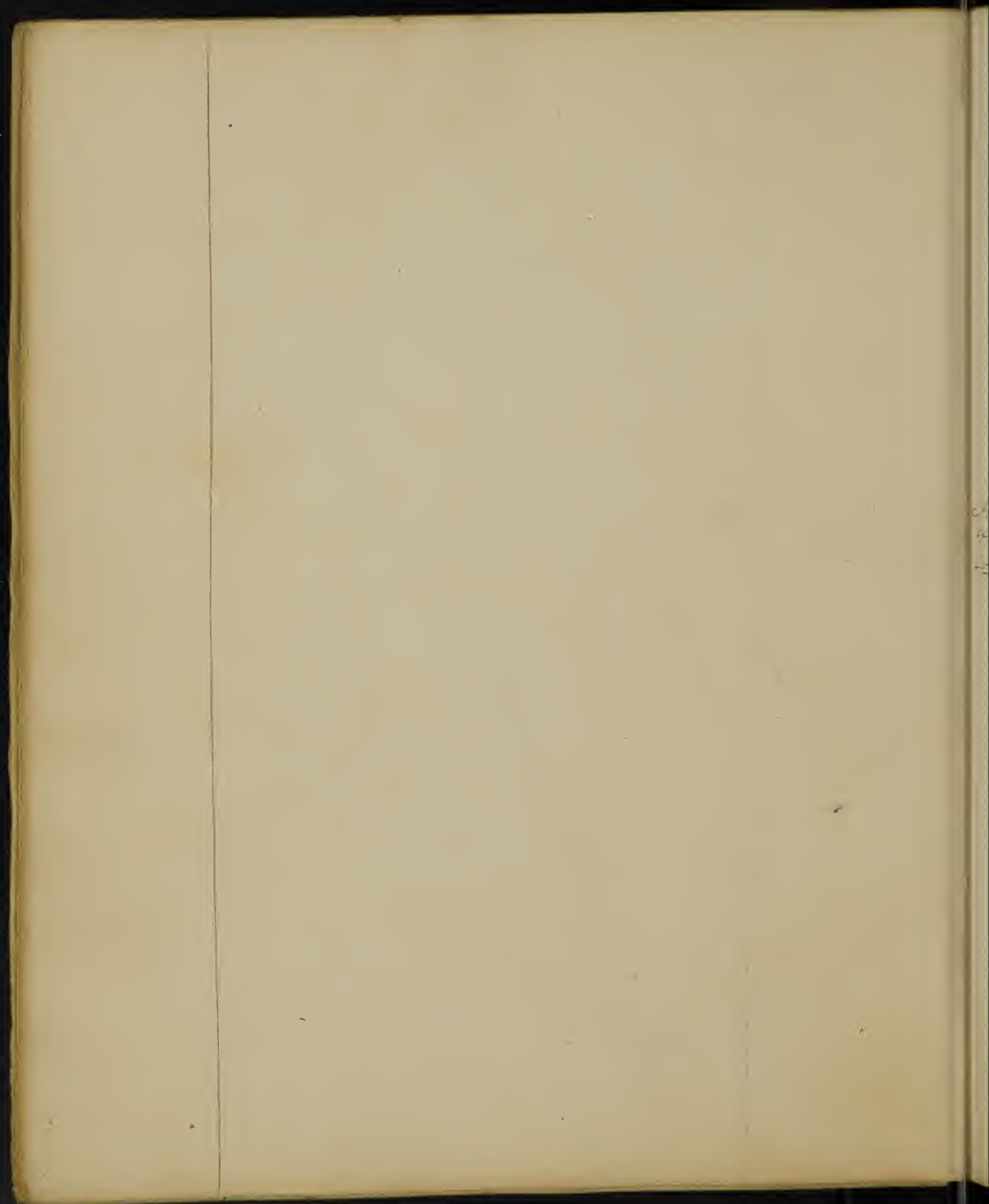












Of Title by Execution.

1.

By our St. Law, the levy of an ex^{te} has become a con. mode of acquiring title to Land. (1 An. 332.

And in this respect, our law is widely diff^t from the Eng^l.

As to titles of ex^{te} in our St. Law.

By the con. law, the only ex^{te} is in personal actions, as to the parties only liable therein the fi. fa. the levy the ca. sa. (13 Ed. 12. 3 B. 414. & 2 Bac. Ex^{te} C. 3. p. 351. Com. Ex^{te} C. 12. 3. 9.

1. In the fi. fa. only the goods & chattels of the debtor can be taken, viz. chattel personal & real. (3 B. 417. 2 Bac. Ex^{te} C. 3. Co. d. 290. v. 2 Co. 12. 8 Co. 171. Com. Ex^{te} C. 4.

And the property thus taken is to be sold by the sheriff, for the satisfaction of the debt. (3. B. 417. Pl. 171. Com. Ex^{te} C. 4. 2 Inst. 344.

2.

Ex. 441 Com.
Lanc.

off Title in Execution.

2. On the lev. fa. the sheriff may take the
deft's goods, & the profits of his land, & growing
underment. (3 Bl. 417. Finch. L. 471. Com. Ex. 4.
C. 3. 3 Co. 11. b. 2 Bac. Ex. C. 4. Plowd. 441. Comb.
470. 2 Inst. 452.) - Part 10. marg.

He may also levy the debt out of the
rents, due to the debtor (3 Bl. 417. 2 Bac. Ex. 4.
C. 4. p. 357. n. Plowd. 441. a. Com. Ex. C. 3.) in the
hands of the tenant.

2.9

On these ex. the whole personal estate
of the debt ^{except} except wearing apparel, is lia-
ble to be taken. (2 Bac. Ex. C. 4. p. 352. 3 Co. 12.
Comb. 350.)

But on neither of them can the land of
the debtor be taken. They extend only to present
prop. (2 Bac. Ex. C. 4. p. 351. n. Com. Ex. C. 4. 3 Co. 12.)
[*] to ex. pt. the land at Com. L. 3 Bl. 418 - Personal money [Ex. 4]

4.
Ex. 24 at Com.
Law.

of Title by Exemption.

+ in favour of
Subjects,

But by the Stat of Marlbridge (52 H. 3) - of
Leweston, 2, 113 Edw. 1. - & Stat 25. Edw. 3 - the writ
of ca. fa. was extended ⁺ to actions, (~~by subject~~)
not sounding in force, 13 Co. 12, 2 Bu 42 60, 2 Inst.
143 Co. d. 27. n. 5 Co. 80.

But even now, it ~~does~~ ^{can} not issue in all ca.
Com. Ex. C. 9. 3 Co. 12.

By the com. law, the King might also have
ex & apt. the land of his subject. This was
known to his prerogative. 3 Co. 12. 6 Co. 100.
Pulton, 15. Plowd. 440. n. Com. Ex. 13. 3. 4. 2. Bucke.
404. 2 Inst. 169. 7 Co. 21. 6. 46. 60. Com. 45. Exemptions 4.
10.

But a subject could, in no case, at Com.
(Exemptions in apt. & apt. King, 20th) have
law, ~~from~~ ^{from} land of his
subject, for prerogative 13 Co. 12. 3 Pl. 416. Plowd.
441. n. 2 Inst. 396. 6 Co. 100. 3 Pl. 25. 2 Co. 32. 8. 9.

Ex. ¹⁰ at Com-
Law.

Life Title by Execution.

57

This rule was a consequ^t of the fundac
restriction upon alienation. ⁴¹⁹ 3 Bl. 518.
2 Bac. Ex. at 328. 9.

But on judg^t ag^t an heir, upon an obligⁿ
of his ancestors, the ppl^e might - at Com. Law,
have ag^t all the lands, w^h the heir
had in descent from the ancestor. (3 Co. 12. a.
Com. Ex. & C. 2. Plow. 440. 441 n. Com. Pleas 2. E. 5.
(Exceutor), H. 10. 11.

This right was founded in the necessity of
the case: For the heir was liable to the action;
in consistⁿ of a debt by descent,
but the debt & the title of the ancestor belonged
to the common representation. And if the
judg^t might not be satisfied out of the
lands, the ppl^e to whom the law gave the
right of redemⁿ ^{ag^t the heir} might be de-
satisfied. (3 Co. 12. a.) where if a man
had been a legal right, without any coercive
satisfaction - any effectual remedy.

+ For his person was
not ag^t not, nor
liable.

O.
Ex. Mat. Com.
1827

Of Title by Execution.

In this ca. however, the land ~~is~~ ^{is} only
extended to be holden by the creditor, till
the rents & profits ^{shall} satisfy the ex^{ts}.
The ^{can} fee ~~cannot~~ ^{can} not be taken (Clowd. 439.
- Analogous to a vincum vadium.

By Eng. & Jps

And now in St. Western 2 Bl. 213. Ex. & a debt
having obtained judgment, may have an ex^{ts}.
ordered an elegit, - which being ag^t the goods &
chattels, & half the ^{household} lands of the ^{debtor} (2 Bl.
107. 3 Bl. 418. 2 Inst. 395. 2 Bac. 349. - Ex. & Jps. 11.

Under this ex^{ts} the goods & chattels are
not sold but appraised & sold to the debt^r. - &
(if they are not sufficient)
the land is extended, (but super) 3 Bl. 418. 2. - i.e.
till the judgment is satisfied, or the ^{debtor's} ~~land~~ ^{land} in l^{ty} is -
paid. - (2 Bl. 107. 2 Bac. 349-350. Com. Ex. & C. 14.

After this ex^{ts} if land is taken upon it, a debt^r's
body cannot be taken, 3 Bl. 413.

— And by St. 13 Edw. 1. (de mueratibus) & 27 Edw. 3. upon the assumption of recognisances on stat. merchant & stat. staple, all the lands, as well as the goods, & body of the debtor, may be taken in ex. 13 Bl. 420. 2 N. 150. 289. T. N. B. 131.

The lands are extended, as under an assent. 12 B. 420. 2 N. 150.

10.
Under High Court

Of Title by Execution.

iii. Contract, 31. If the ~~plaintiff~~ ^{person} ~~brings~~ ^{brings} to the officer, ~~propy~~ ^{propy},
who is not the ~~debt~~ ^{debt}, & the off^r is subjected for
taking it; the ~~plaintiff~~ ^{person} is liable to him. (2 Law
282. 1700. Con. 178. Co. Sec. 752.

If the off^r does not take propy ~~subject~~ ^{subject} by a
first levy, he may make a second do. (2 Law
282. - Con. 287. 4. 1 Sec. 91. 2 Sec. 353. ^{Ex.})

But if he levies on propy which is ~~insufft.~~ ^{insufft.} &
^{afterwards}
can find no more, nor the body of debt;
he is liable to the ~~plaintiff~~ ^{person}. For, if he cannot
obtain propy ~~subject~~ ^{subject}, he must take the body,
unless otherwise directed by ~~plaintiff~~ ^{person}. (2 Law 282.

But this rule presupposes, y^t he might & ~~ought~~ ^{ought}
have found in the body, or debt's body.

Decided in Chas. 5. 1791, goods attached by one officer,
^{in his hands,}
cannot be attached in another ~~subject~~ ^{subject} except by ^{the} same
officer. 25 Chas. 5. 1791 and it if they are otherwise at-
tached in a second subject. off^r executing the first writ
must lay on the ~~subject~~ ^{subject}, if any to the action. (2 Law 272. 5.
- Same law I trust, of seizure on ex - (R. cont. in C. 12 Con. R.
Secus of attachment of land. 3 Chas. 5. 1791.

4. Chas. 5. 1791, I am
satisfied, on seizure,
the subject of land,
Rule 5. next to
body of debt,
debt - 1. Chas. 5. 1791,
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Under Rev. Con.
in Am. C.

of Title in Execution

11.

Under rev. Con. the ^{very} single of land
may be taken in ex. - ~~Under the St.~~
~~Under the St. in other ex. is in other, & after~~
~~the St. C. 574. 1st. 132~~ i.e. debtor's whole inst.
whatever that may be. (The fee is liable, I presume to be taken, in some
form, in this state, for the ex. in Rev.

and the St. subject to all difficulties & con-
ditions held in his own right
in ex. by ~~the St. C. 282. f. 5.~~ (St. C. 282. f. 5.) - But
by holding his own right "in ex. by" holding a
beneficial int. - Under a new nominal title.

Under Rev. Con.
in Am. C.
and is liable to be
taken for his debts.

and the more
L. setting them off
in ex. by the St.
under ex. by the
in ex. by the
in ex. by the
in ex. by the
in ex. by the
in ex. by the

Under the St. in ex. by, in construction,
to all estates in land & tenement. (See
93. 1 Sw 335. 2 Root 5.

and even to equities of redemption. (See
93.

The St. in ex. an equitable interest is not
liable to ex. - 8 Ex. 45. 2 New R. 40.

As to the mode of ex. acquiring title to
land, by ex. -

3. Ex. may.

1. Before the St. takes the land, he must
make demand of the debtor at the debt, place
of a home. (St. C. 574. 1st. 132. 1 Sw. 332. 2 St. 282. Root 241.)
if within his jurisdiction.

When debt is

- on land.

of Title in execution.

* See, also, he not
live on real estate
except, personal
debt, is land
St. C. 282, 15. 18w. 332
332. - He 2. 18w. 282.
2. 18w. 2. Root 19.
- Expressing as a
Mortgage, - 18w. 8.

Of upon a demand, thus made, the money
is not paid, nor debt, personal, debt, & ten
land, (or found) the ex. may be carried
on the real estate. (St. C. 282, 15. 18w. 332

But if real estate is taken without demand,
or after debt, money, or personal, debt, & ten
land (or, perhaps, found) the levy is illegal
& void. (St. C. 282, 284. 1 Root 241.

And the demand &c. must appear in the
officers return; otherwise, no title is required.
(St. 284.

* Except in the ca. of returns, made before
Aug. 1. 1806, which are validated by St. C. ^{May, 1806} the
the demand does not then appear. (St. C. 284.
But returns after 1. Aug. are required, by same St.
to show a demand.

* See, Root 241, That when it appears in the
return, that the debt in the ex. appointed one
of the appraisers, the title was good, tho' no de-
mand appeared in the return. - Demand pre-
sumed: (1791.) (18w. 330) 2u.

But since the Sh. of Mass. 1800, the rule in the last case cannot be law. Indeed, it never was.

2. The land, or other real estate, ^{taken} ~~land~~ ^{by the officer} is to be appraised by three ^{or more} ~~inhabitants~~ ^{residents} of the town, in which it is situated. ^{1 Rot. 196.}
- or if the town is a party, of an adjoining town - one to be app^d by the creditor, one by the debtor or ~~deft~~ ^{deft} and if they do not agree on a third, he is to be app^d by the next ~~officer~~ ^{justice} ~~justice~~ who may, by law ^{intervene} between them - and if either party neglects to choose, the ^{justice} is to appoint two. (St. 282-3. - at ^{540.} ~~travels~~ ^{to be sworn.} St. 283. 1 May, 109.) If both neglect ^{justice} ~~to~~ ^{to be sworn.} three. (2 Rot. 434. 1 Nov. 333.

A tenant to one of the parties is not disqualified to be an appraiser. (1 Rot. 141. 1 Nov. 335.

But a person, so nearly related to one of the parties, as an uncle or nephew, by consanguinity or affinity, is (1 May, 109. - in St. L. 623-4.

14.
Under St. of Court
- on land.

of Title by Execution.

an appraiser. Decided, that if a seem sole obtain, an ex-
pense, not rec- & manis; she may during con. appoint an
holder, is not the parties own appraiser. (2 Root, 15. - Qu.
upon g. 1. St. 335.
(Root. 190.) Qu. 15.
Between g. & St. 335?

Return by the officer, that the land was
appraised at such a sum, by St. B. & C. in
"diff. freehold, app. & own by D. E.
justice of peace, has been holden sufft.
tho' it did not show that the parties neg-
lected to appoint. (2 Root, 434. - Qu.

By "next adjacent justice of the peace," is not
in point of distance;
meant the nearest, but any one in the town
in w^h the land is. (Root, 141. 1 St. 335.

Under R. of C. on
- on land.

of Title by Exon tior

3. The officer is to cause the ex. t. & his in-
of proceedings
return from it to be entered on the records
of the town, & of the Court from w. d. &c.

Under 2. R. of C. 57
Not kept on Court
after loss of ex. t. must
produce a copy of it
if required
St. C. 282, 6. 1
St. 333.

There to be recorded - The ex. t. then recorded,
completes the title St. C. 282. 3. 1 R. of C. 487.
St. 333.

+

But recording by the town clerk only, or by
the clerk of the Court only, is not sufft. (1
R. of C. 487. ⁵⁷ id. 1 St. 333. 2 St. 521. 1 St. 335.

See Holden, however, that a copy of the
record of the Court, & a certificate by town
clerk, was sufft. (2 R. of C. 521.) ~~See~~ Id. 335.

Order of the Court of the just. t. St. 57
before the ex. t. is recorded or entered for record
relates to the ex. t. title. (Smith v. Star over the St. of
E. Nov. 1841. 5 May 207.

B.
Consider the
Law - modern

Of Title by Execution.

p. 11. manus.

The mode of taking estates, left them for
simple, is the same. (2, Root, 15. 1 Sher. 334.

But the whole in int. of dist. in the subjt.
of int. by our law it is must be taken. Extending
land till the rent is paid to discharge
the debt is not provided for by our law.
(1 Sher 334.

It has been usual in C. 4. law ex. for sheriffs
attachment on goods growing in ca. of
tenancies at will & on short leases & then
to seize & sell them as personal chattels.

+ This may be done But this seems not to be warranted by the
in Eng. consider a
Law. La. Com. 54. law. 1 Sher. 334.
C. 4. Sal. 308 (sic)
ante, 2.

The more regular mode here seems to be to take
the whole of leaves int. in the law by ap-
praisal (1 Sher. 334. 5.) - under the St.

Of the my section.

3 Day, 1/2 hr. from the time the will is made, free.

1. Look-him-in-R. ^{the} ~~he~~ ~~was~~ ~~not~~ ~~in~~ ~~the~~ ~~room~~ ~~at~~ ~~the~~ ~~time~~ ~~!~~

There is a day is begun ^{while year is in force} ~~the day~~
~~the day~~ it may be consummated after many

For the whole has relation to the first act. (pg. 70.)
 3. vii. 2. 4. vii. 12. Romo. 209. - vide LXXII (22.)

+ il y.^e doctor re.
fuerit surrender
re. polka

Swy. of ex^a ^{on land} ~~not over~~ dept. of the popl;

but much cost the title - the proof may ^{have} been
~~given up~~ ⁺ See 2 Nov. 85. 27. R. 293, 295, 298

2 Bac. Ex 4 C 3.

1. Chloris sp. ⁴⁰ has been in gen. ² gracilis by the
Sick, at Barro Colorado, Chloris & the Barro
2, in U.S. - Barro Colorado (Sick).

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off an open horizontal statistical table and

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2. When completed, copy is taken by Mr. Lutz, repeated on the
copy of a. is then taken. 1. 1. 1. 2.

+ * 2u. Is such a practice admissible?

At Com. Law.

Who may take ex.

Of Ex. by Recession.

{The ex. there is no time limited, within
which it must issue after judgment 12th Dec. 13th.

{At Com. Law it cannot, in given issue after
a year & a day, without Sci. Pa. 12 Bar. Ex. 4 H.
5. 30th 12. 1st 35th. Const. 30. No. Jan. 354.

• If admn. Recessit minoritate & obtain
judgment there ex. the ex. during, pro ago; he
now have ex. by Sci. Pa. 12 Bar. Ex. 4 H. 5. 35th. 10th.
18th 9.

• And now by St. 17 Bar. 2, if admn. having the
claim judgment dies before ex. the admn. de bonis
non may have ex. by Sci. Pa. - He now obtain
at Com. Law 12 Bar. Ex. 4 H. 5. 35th. 5th 240. 240. 240.
323. 2 L.R. 1072. Cro. Jac. 4. 1st 10. 6th 4. 1st 10. 24.

26.

At com. Law,

2. The hair is
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 portion of hair & skin.
 ac. 5 x 4 9/10, 3. - o. d. 290.
 1600. 140.

2 y^{rs} writ of ex. ^{to}
then before depts
 - draft; it may
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 through Gen. J. A. Com.
 2 F. L. 2, 1 Vol. 893
 23. Co. 2 184. 1 deon
 40. 2 184. 2 18. 184.
 40. 4. p. 352

How low is this below the in Jan. 2d. it may be
~~less than the average of the preceding years.~~
~~It is not so low as the average of the preceding years.~~
~~It is not so low as the average of the preceding years.~~ - I think, it cannot be done.

Sp. pike, 70 given as "Baron & Lane" & Baron dies
before ex; it may have been the same, Dec. 1890. 4. 1896.
\$90. No. Ca. 500, 500, 3 ket. 205 = Pac. Baron & Fosse Fr.)
For y.^e liability survivors agt her.

